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| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on <u>February 9, 2004</u> . | |
| Linda M. Svik Name of Attorney/Agent | 44,982 Registration No. |
| <u>Linda M. Svik</u> Signature of Attorney or Agent | |

P&G Case 8048C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :
 Robert Lee Wells et al. : Confirmation No.
 Serial No. : Group Art Unit 1615
 Filed February 9, 2004 : Examiner

For Phase-Separated Rinse-Off Hair Coloring/Cleansing Products

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made on the attached Form PTO/SB08 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO/SB08 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

[X] 37 C.F.R. §1.97(b)(1) - U.S. Direct (use when filing IDS with nonprovisional patent application, or with Request for Continued Examination (RCE); or within 3 months of filing a nonprovisional patent application)

This information disclosure statement, submitted under 37 C.F.R. §1.97(b)(1), is being filed with the patent application, with a Request for Continued Examination or within three months of the filing date of a national application. Therefore, no fee is believed to be due.

ADDITIONAL ITEMS TO BE NOTED BY THE EXAMINER:

[X] All of the cited references were previously cited by or submitted to the USPTO in prior application Case No. 8048, U.S. Patent Application Serial No. 09/551,035, filed 04/17/2000. Applicants claim priority to said application under 35 U.S.C. §120. Accordingly, copies of previously submitted references are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

Respectfully submitted,

By Linda M. Sivik
Linda M. Sivik
Agent for Applicant(s)
Registration No. 44,982
(513) 626-4122

Date: February 9, 2004

Customer No. 27752

Please type a plus sign (+) inside this box → [+]

PTO/SB08A (10-01)

Approved for use through 10/31/2002 OMB 0651-0031

Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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SHEET 1 of 2

| | |
|------------------------|------------------|
| Application Number | |
| Filing Date | 02/09/2004 |
| First Named Inventor | Robert Lee Wells |
| Group Art Unit | 1615 |
| Examiner Name | |
| Attorney Docket Number | 8048C |

U. S. PATENT DOCUMENTS

| EXAMINER INITIALS* | Cite No. ¹ | DOCUMENT NUMBER Number - Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|---|--------------------------------|--|--|
| | 1 | US-3,930,792 | 01-06-1976 | Alperin et al. | |
| | 2 | US-4,168,144 | 09-18-1979 | Curry et al. | |
| | 3 | US-4,943,430 | 07-24-1990 | Hefford et al. | |
| | 4 | US-4,975,092 | 12-04-1990 | Chan et al. | |
| | 5 | US-5,089,257 | 02-18-1992 | Schrader et al. | |
| | 6 | US-5,376,146 | 12-27-1994 | Casperson et al. | |
| | 7 | US-5,393,305 | 02-28-1995 | Cohen et al. | |
| | 8 | US-5,635,461 | 06-03-1997 | Onitsuka et al. | |
| | 9 | US-5 656 280 A | 08-02-1997 | Craig A. Herb et al. | |
| | 10 | US-5 942 216 A | 08-24-1999 | Craig A. Herb et al. | |

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIALS* | Cite No. ¹ | FOREIGN PATENT DOCUMENT Country Code ³ Number ⁴ Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
| | 1 | DE-44 41 359 A1 | 05-23-1996 | KAO Corp | | |
| | 2 | DE-297 22 988 U | 06-17-1999 | Goldwell GmbH | | |
| | 3 | EP-0089749 A2 | 09-28-1983 | Bristol Myers | | |
| | 4 | EP-0137178 A2 | 04-17-1985 | Beecham Group | | |
| | 5 | EP-0146350 A2 | 06-26-1985 | Unilever | | |
| | 6 | EP-0312343 A3 | 04-19-1989 | Unilever | | |
| | 7 | EP-0819422 A1 | 01-21-1998 | KAO Corp | | |
| | 8 | EP-0 733 355 A | 09-25-1996 | KAO Corporation | | |
| | 9 | FR-2,096,377 | 02-18-1972 | Helene Curtis | | T |
| | 10 | GB-986 712 A | 03-24-1965 | Chesebrough Ponds | | T |
| | 11 | WO-01/78670 A3 | 10-25-2001 | Procter & Gamble | | |
| | 12 | WO-01 78664 A | 10-25-2001 | Aveda Corp | | |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SHEET 2 of 2

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| Application Number | |
| Filing Date | 02/09/2004 |
| First Named Inventor | Robert Lee Wells |
| Group Art Unit | 1615 |
| Examiner Name | |
| Attorney Docket Number | 8048C |

NON PATENT LITERATURE DOCUMENTS

| EXAMINER INITIALS* | CITE NO. ¹ | INCLUDE NAME OF THE AUTHOR (IN CAPITAL LETTERS), TITLE OF THE ARTICLE (WHEN APPROPRIATE), TITLE OF THE ITEM (BOOK, MAGAZINE, JOURNAL, SERIAL, SYMPOSIUM, CATALOG, ETC.), DATE, PAGE(S), VOLUME-ISSUE NUMBER(S), PUBLISHER, CITY AND/OR COUNTRY WHERE PUBLISHED | T ² |
|--------------------|-----------------------|--|----------------|
| | 1 | Robbins, C. R., "Chemical and Physical Behavior of Human Hair," 2 nd Ed., pp. 185-190, Springer-Verlag, New York, 1988. | |
| | 2 | Berthiaume, M. D., "Silicone Usage in Hair Treatment Applications: Bleaches and Dyes," Drug & Cosmetic Industry, pp. 42-49, April 1997. | |
| | 3 | Zviak, C., "The Science of Hair Care," Ch. 7, Marcel Dekker, Inc., New York, 1986. | |
| | 4 | Formulary, Cosmetics & Toiletries, Vol. 113(6), pp. 94, June 1998. | |
| | 5 | The Arianor Haircare Formula Index, Warner-Jenkinson Europe, Ltd., King's Lynn, Norfolk PE 304JJ. | |
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| EXAMINER | | DATE CONSIDERED | |

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